

Arizona Supreme Court
Criminal Post Conviction

CR-16-0271-PC

STATE OF ARIZONA v JASON EUGENE BUSH

Appellate Case Information

Case Filed: 13-Jul-2016
Case Closed:

Dept/Composition

Consolidated with: CR-11-0107-AP

Side 1. STATE OF ARIZONA, Plaintiff

(Litigant Group) STATE OF ARIZONA

- State of Arizona, Respondent

Attorneys for: Plaintiff

John R. Lopez, IV, Esq. (AZ Bar No. 19182)
Lacey Stover Gard, Esq. (AZ Bar No. 22714)

Side 2. JASON EUGENE BUSH, Defendant

(Litigant Group) JASON EUGENE BUSH

- Jason Eugene Bush, Petitioner

Attorneys for: Defendant

John L Saccoman, Esq. (AZ Bar No. 13397)
Brent E Graham, Esq. (AZ Bar No. 11868)

CASE STATUS

Jul 13, 2016.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
PIM CR20092300-003			James E Marner, Judge on PC	JURY	

22 PROCEEDING ENTRIES

- 13-Jul-2016 FILED: Joint Notice of Completion of PCR Proceedings, Request for Scheduling Order, and Request for Order Regarding PCR Record on Appeal; Certificate of Service; (Copy of) PCSC Ruling Dated 5/17/2016; (Copy of) PCSC Ruling Dated 6/30/2016
- 19-Jul-2016 Upon considering the Joint Notice of Completion of PCR Proceedings, Request for Scheduling Order, and Request for Order Regarding PCR Record on Appeal,

IT IS ORDERED that the Clerk of this Court shall consolidate the appeal with the petition for review of the denial of post-conviction relief, pursuant to Rule 31.4(b)(2), Ariz. R. Crim. P.

IT IS FURTHER ORDERED that Mr. Bush may file a supplemental amended opening brief no later than September 30, 2016. The State shall file a combined answering brief and response to the petition for review no later than November 29, 2016. Mr. Bush may file a reply no later than January 28, 2017.

IT IS FURTHER ORDERED that pursuant to Rule 32.9(e), Ariz. R. Crim. P., no later than August 18, 2016, the Clerk of the Pima County Superior Court shall electronically transmit to the Clerk of this Court the record of Rule 32 post-conviction proceedings in State v. Jason Bush, case number CR20092300-003, with an index of record. (Hon. Ann A. Scott Timmer)
- 29-Aug-2016 FILED: Unopposed Motion to Extend Time to File Petition for Review and Supplemental Amended Opening Brief; Certificate of Service (Defendant Bush)
- 29-Aug-2016 FILED: Superior Court Order Granting Extension of Time to File Petition for Review (Defendant Bush)
- 31-Aug-2016 An "Unopposed Motion to Extend Time to File Petition for Review and Supplemental Amended Opening Brief" (Appellant/Petitioner Bush) having been filed on August 29, 2016,

IT IS ORDERED granting a first extension of time to file the Petition for Review on or before September 30, 2016.

IT IS FURTHER ORDERED granting a first extension of time to file the Supplemental Amended Opening Brief on or before October 31, 2016. The State shall file a combined Answering Brief and Response to Petition for Review no later than sixty days after service of Appellant/Petitioner's brief. Appellant/Petitioner may file a Reply Brief no later than sixty days after service of the State's brief.

IT IS FURTHER ORDERED that no later than September 8, 2016, the Clerk of the Pima County Superior Court shall deliver to the Clerk of this Court all original sealed exhibits on the exhibit list dated April 26, 2016, for the post-conviction relief evidentiary hearing in CR20092300-003. (Hon. Clint Bolick)

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6. 1-Sep-2016 FILED: Record from PimCSC: Instruments and Minutes (CD)
7. 9-Sep-2016 FILED: Supplemental Record from PimCSC:
1 SEALED Brown Box:

List; Pltf Exh Nos 1-34; 35 (CD); 36; 37 (CD); 38; 39 (CD); 40; 41-47 (CDs); 48; 49 (CD); 50-53,

Def Exh Nos A1; B2; C3; D4; E5; F6; G7; H8; I9; J10
8. 21-Sep-2016 FILED: Motion to Provide Copies of Sealed Exhibits and Instruments and to Extend Time to File Petition for Review and Supplemental Amended Opening Brief Second Request; Certificate of Service (Defendant Bush)
9. 26-Sep-2016 Upon considering Appellant/Petitioner's Motion to Provide Copies of Sealed Exhibits and Instruments and to Extend Time to File Petition for Review and Supplemental Amended Opening Brief – Second Request,

IT IS ORDERED that the motion is granted.

IT IS FURTHER ORDERED that the Petition for Review shall be filed no later than October 31, 2016. The Supplemental Amended Opening Brief shall be filed no later than November 30, 2016.

IT IS FURTHER ORDERED that no later than October 3, 2016, the Clerk of the Pima County Superior Court shall deliver to the Clerk of this Court all sealed documents in the record pertaining to the Index of Record dated and certified August 26, 2016.

IT IS FURTHER ORDERED that the Clerk of this Court shall provide to Appellant/Petitioner's counsel, and State's counsel upon request, copies of all sealed documents. (Hon. Robert M. Brutinel)
10. 30-Sep-2016 FILED: Supplemental Record from PimCSC:

Supplemental Clerk's Certificate of Record on Appeal

(SCANNED) 12 SEALED Manila Envelopes:

Env 1 - Motion for Order Directing Pima County Attorney's Office to Provide Case Information
Env 2 - Motion to Withdraw, Motion to Recuse and Motion to Stay filed February 18, 2015
Env 3 - Motion for Approval of Reasonable and Necessary Attorney Fees and Costs
Env 4 - Filing of Billing Records and Affidavits in Compliance with Court Order
Env 5 - Motion for Clarification of Court Order Regarding Attorney Payments
Env 6 - Reply in Support of Defendant's Motion for Discovery
Env 7 - Motion for Approval of Reasonable and Necessary Attorney Fees and Costs
Env 8 - Sealed Minute Entry Re: Defendant's Ex-Parte Motion for Pre-Approved Funds Filed December 30, 2015
Env 9 - Exhibit 3 (to Reply Brief)
Env 10 - Minute Entry of Evidentiary Hearing Re Post-Conviction Relief Dated April 26, 2016 Filed April 29, 2016
Env 11 - Motion to Hold Evidentiary Hearing Under Seal

Env 12 - Response to State's Motion to Admit Additional Exhibit; Motion to File, Under Seal, Defendant's Response to State's Motion to Admit Additional Exhibit
11. 31-Oct-2016 FILED: (Filed Under SEAL) Petition for Review from Denial of Post-Conviction Relief; (Filed under SEAL) Appendix to Petition for Review from Denial of Post-Conviction Relief (Defendant Bush)
12. 1-Nov-2016 FILED: Motion to File Petition for Review from Denial of Post-Conviction Relief and Appendix Thereto Under SEAL; (Duplicate) Motion to File Petition for Review from Denial of Post-Conviction Relief and Appendix Thereto Under Seal (Defendant Bush)
13. 1-Nov-2016 FILED: Motion to Exceed Page Limitation for Petition for Review From Denial of Post-Conviction Relief; (Duplicate) Motion to Exceed Page Limitation for Petition for Review From Denial of Post-Conviction Relief (Defendant Bush)

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14. 2-Nov-2016 Appellant Bush has filed a "Motion to File Petition for Review from Denial of Post-Conviction Relief and Appendix Thereto Under Seal," and a "Motion to Exceed Page Limitation for Petition for Review from Denial of Post-Conviction Relief." After consideration,
- IT IS ORDERED granting the motion to seal as to the Petition for Review and Appendix only. The Clerk of this Court shall maintain those pleadings under seal. Hon. Ann A. Scott Timmer
- FURTHER IT IS FURTHER ORDERED granting the motion to exceed the page limit on the Petition for Review by 9 pages, for a total of 29 pages. The Petition for Review shall be deemed filed as of October 31, 2016. (Hon. Ann A. Scott Timmer)
15. 1-Dec-2016 FILED: Motion to Supplement the Record on Appeal; Certificate of Service (Defendant Bush)
16. 5-Dec-2016 FILED: (Duplicate) Motion to Supplement the Record on Appeal; Attachment 1 to Opening Brief (DVD); Exhibits to Motion to Supplement Record on Appeal (CD) (Defendant Bush)
17. 8-Dec-2016 FILED: Letter from Petitioner Bush Re: Errata of Exhibits to Motion to Supplement Record on Appeal; Exhibits to Motion to Supplement Record on Appeal (Petitioner Bush)
18. 12-Dec-2016 FILED: Response to Motion to Supplement the Record on Appeal; Certificate of Service (Respondent State)
19. 20-Dec-2016 FILED: Reply in Support of Motion to Supplement the Record On Appeal; Certificate of Service; Untitled Document (Appendix to Reply) (Petitioner Bush)
20. 10-Jan-2017 Upon considering the Motion to Supplement the Record on Appeal, Response, Reply, and related attachments,
- IT IS ORDERED denying the motion as to Attachment A (photographs) and Attachment B (medical documents). The motion is granted as to Attachment C and the transcript marked State's Exhibit 176 shall be included in the record on appeal.
- IT IS FURTHER ORDERED denying the request to stay the appeal and remand to the superior court.
- IT IS FURTHER ORDERED striking the following parts of Appellant's Supplemental Opening Brief: "and a separate Brady violation for failing to turn over exculpatory photographs of Bush's gunshot wound on the night of his interrogation" on page 27, the last four lines on page 28, and the entire page 29; the entire page 32, the entire page 33, and "his wound, detectives first took him to the police station where he was interrogated from approximately 8:30 p.m. to about 12:30 a.m." on page 34. This order is without prejudice to Mr. Bush raising claims in a Rule 32 petition for post-conviction relief. (Hon. Scott Bales)
21. 18-Jan-2017 FILED: Unopposed Motion for 30-Day Extension of Time to File Combined Answering Brief and Response to Petition for Review (First Request); Certificate of Service (Respondent State)
22. 18-Jan-2017 A "Unopposed Motion for 30-Day Extension of Time to File Combined Answering Brief and Response to Petition for Review (First Request)" having been filed by the State of Arizona on January 18, 2017,
- IT IS ORDERED granting a first extension of time to file the Combined Answering Brief and Response to Petition for Review on or before March 1, 2017. (Janet Johnson, Clerk)